

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

RAPHAEL K. CHIEKE,  
Plaintiff

: CIVIL ACTION

: CASE NO: 1:09-CV-1456

Vs.

EXPERIAN,  
Defendant

**FILED**  
HARRISBURG, PA

AUG 17 2009

MARY E. D'ANDREA, CLERK  
Per                     

**Plaintiff's Objection to Defendant's Notice of Removal**

AND NOW, comes Plaintiff, Raphael K. Chieke, and files the following Objection to Defendant's Notice of Removal, and in support of this document avers as follows:

1. Plaintiff, Raphael K. Chieke is an individual residing in the City of Harrisburg with a home address of 4146 Beaufort Hunt Drive, Harrisburg, Dauphin County, Pennsylvania 17110
2. Defendant, Experian is a business operating nationwide in the United States of America with its primary place of business at P.O. Box 2002, Allen, Texas 75013.
3. Jurisdiction and venue is NOT conferred on this court because the Defendant has waived the subject matter jurisdiction by having appeared in a lower state magisterial court hearing in this matter. Also, Defendant is a business which operates Nationwide, including in Dauphin County, Pennsylvania, and the

negligence which is the basis of the cause of action took place Nationwide and in Dauphin County, Pennsylvania.

4. Plaintiff, Raphael K. Chieke is a resident of the City of Harrisburg, in Dauphin County, Pennsylvania.

5. Plaintiff's Complaint against Defendant in the Court of Common Pleas in Dauphin County, Pennsylvania is predicated upon the Decision of a PA lower State Magisterial Court. The lower State Magisterial Court, without full understanding of the facts of this matter dismissed Plaintiff's action against Defendant without Prejudice, but instructed Plaintiff to appeal such decision in the Court of Common Pleas. (Please see EXHIBIT B attached). In adherence to the magisterial decision, Plaintiff proceeded to file a Complaint against Defendant in the Court of Common Pleas, Dauphin County, Pennsylvania.

6. Defendant's Notice of Removal herein is not only flawed, but untimely, as it should have in the first place objected to the subject matter jurisdictional issues in the PA lower State Magisterial Court lawsuit. Instead, Defendant appeared and defended itself.

7. Defendant is not erroneously sued at the Court of Common Pleas, in so far as this lawsuit was an extension of the first lawsuit to which Defendant responded without any subject matter jurisdictional objection.

8. Defendant does business all over the United States, including Pennsylvania; and is in violation of Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73, P.S. Section 201-1 et seq. Defendant was sued initially in a PA lower State Court to which it responded.

9. Defendant's Notice of Removal is therefore preposterous and without merit to the extent that the subject matter jurisdictional question should have been raised earlier during the first lower State Court proceedings.

10. Therefore the invocation of 28 U.S.C Section 1441 (a) and (b) by the Defendant at this juncture is untimely; as its response to the PA lower State Court proceeding has in deed grandfathered the current action before the Court of Common Pleas, Dauphin County, Pennsylvania.

11. Granted, and for the sake of argument that the United States District Court pursuant to 28 U.S.C. Section 1132 has original subject matter jurisdiction over this case, but this case has been heard by a lower State Court without Defendant's Objection. To this end, the Defendant has lost its right to transfer this case to a Federal Court.

12. This case was transferred to the Federal Court without a hearing.

13. Plaintiff's Objects to such transfer.

14. Wherefore, Plaintiff prays that the above action pending against Defendant in the United States District Court, Middle District of Pennsylvania be remanded to the Court of Common Pleas, Dauphin County, Pennsylvania.

Dated August 17, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raphael K. Chieke', with a large, stylized flourish extending from the end of the signature.

Raphael K. Chieke  
4146 Beaufort Hunt Drive  
Harrisburg, PA 17110  
Tel: 717-608-6224

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

RAPHAEL K. CHIEKE

Plaintiff

v.

EXPERIAN

Defendant

: CIVIL ACTION

: CASE NO: 1:09-CV-1456

**VERIFICATION**

I, Raphael Chieke, is the Plaintiff, and do hereby state and affirm that the information contained in the foregoing **Plaintiff's Objection to Defendant's Notice of Removal** is true and correct to the best of my knowledge, information and belief which has been formed by statements and information imparted to me by the Defendant. I understand that any false statements contained herein may be subject to civil and criminal penalties under Pennsylvania state law as well as federal law.

DATE: August 17, 2009

A handwritten signature in black ink, appearing to be 'Raphael K. Chieke', written over a horizontal line.

Raphael K. Chieke

Raphael K. Chieke

4146 Beaufort Hunt Drive

Harrisburg, PA 17110

(717) 608-6224

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

RAPHAEL K. CHIEKE

Plaintiff

v.

EXPERIAN

Defendant

: CIVIL ACTION

: CASE NO: 1:09-CV-1456

**CERTIFICATE OF SERVICE**

I, Raphael K. Chieke hereby certify that on this ----- day of August-----, 2009, I caused the foregoing **Plaintiff's Objection to Defendant's Notice of Removal** to be served upon Defendant via U.S. First Class mail addressed as follows:

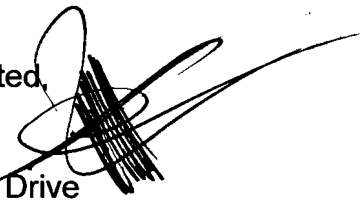
EXPERIAN  
P.O. Box 2002  
Allen, Texas, 75013

Mohammed A. Ghiasuddin  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-0765

Counsel for Defendant

Respectfully submitted,

Raphael K. Chieke  
4146 Beaufort Hunt Drive  
Harrisburg, PA 17110  
Tel 717-608-6224



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **DAUPHIN****NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

Mag. Dist. No.:

**12-3-03**

MDJ Name: Hon.

**WILLIAM C. WENNER**Address: **5925 STEVENSON AVE  
1ST FLOOR SUITE B  
HARRISBURG, PA**Telephone: **(717) 545-0261 17112-0000**

PLAINTIFF:

NAME and ADDRESS

**CHIEKE, RAPHAEL K  
4146 BEAUFORT HUNT  
HARRISBURG, PA 17110**

VS.

DEFENDANT:

NAME and ADDRESS

**CHASE MANHATTAN MORTGAGE, ET AL.  
10790 RANCHO BERNANDO  
SAN DIEGO, CA 92127****RAPHAEL K. CHIEKE  
4146 BEAUFORT HUNT  
HARRISBURG, PA 17110**Docket No.: **CV-0000139-09**  
Date Filed: **3/31/09****THIS IS TO NOTIFY YOU THAT: EXPERIAN,  
DISMISSED W/O PREJUDICE****DEF 003**Judgment: \_\_\_\_\_ (Date of Judgment) **5/29/09**☐ Judgment was entered for: (Name) \_\_\_\_\_☐ Judgment was entered against: (Name) \_\_\_\_\_  
in the amount of \$ \_\_\_\_\_☐ Defendants are jointly and severally liable.☐ Damages will be assessed on Date & Time \_\_\_\_\_☒ This case dismissed without prejudice.☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127  
\$ \_\_\_\_\_☐ Portion of Judgment for physical damages arising out of  
residential lease \$ \_\_\_\_\_

Amount of Judgment	\$	<b>.00</b>
Judgment Costs	\$	<b>.00</b>
Interest on Judgment	\$	<b>.00</b>
Attorney Fees	\$	<b>.00</b>
<b>Total</b>	\$	<b>.00</b>
Post Judgment Credits	\$	_____
Post Judgment Costs	\$	_____
=====		
<b>Certified Judgment Total</b>	\$	_____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

6-2-09 Date William C. Wenner, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

\_\_\_\_\_, Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January, **2010**.

SEAL